

**Application No.:** 10/031,913  
**Filing Date.:** May 21, 2002

### REMARKS

In response to the Office Action dated November 20, 2007, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 18-28 and 73-81 remain pending. Claims 18 and 73 have been amended. New Claims 82-86 have been added.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined or enclosed in [[double brackets]].

#### Claims 18-28 and 73-81 Are In Condition For Allowance

Claims 18-28 and 73-81 presently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,279,565 to Klein. Applicants respectfully submit that Claims 18-28 and 73-81, as amended, are allowable over the Klein reference and the other prior art of record. Accordingly, for at least the reasons presented below, reconsideration and allowance are respectfully requested.

The Klein reference discloses a catheter for administering a therapeutic agent into a treatment site in the wall of a body lumen. The disclosed catheters have a support frame that is movable between a retracted position and a deployed position. The support frame carries several, independent rigid platforms that each have a radially-facing contact surface and delivery interface. In one arrangement, the delivery interface of each rigid platform is a porous matrix. Thus, the porous matrix does not extend around the entire circumference of the catheter, but only defines intermittent portions of the circumference of the catheter. In use, the distal end of the catheter is placed within a vessel and the support frame is moved to the deployed position to move the individual rigid platforms and porous matrices outward toward the vessel wall.

In contrast, the catheter of Claims 18-28 and 73-81 includes, among other features, a porous membrane that is wrapped around an entire circumference of a support. For at least this reason, the Klein reference does not anticipate the catheter of Claims 18-28 and 73-81. Furthermore, the Klein reference provides separate fluid delivery assemblies that are movable relative one another in a radial direction to vary the outside diameter of the catheter to conform to the geometry of the vessel. For at least this reason, it would not have been obvious to one of skill

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in the art to modify the Klein catheter to include a porous membrane that is wrapped around an entire circumference of a support.

For at least these reasons, Claims 18-28 and 73-81 are allowable over the Klein reference. Accordingly, reconsideration and allowance of the same are respectfully requested.

*New Claims 82-86 Are In Condition For Allowance*

New Claims 82-86 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added. Claims 82-86 recite a catheter including, among other features, a tubular membrane that completely surrounds at least a portion of a length of a support of the catheter. Accordingly, Claims 82-86 are allowable for at least reasons similar to those discussed above in relation to Claims 18-28 and 73-81. Consideration and allowance of Claims 82-86 are respectfully requested.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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